

ITEM: 9

SUBJECT: Elgin Mine, Colusa County

BOARD ACTION: *Consideration of Cleanup and Abatement Order*

BACKGROUND: The Elgin Mine is an inactive mercury mine that includes small open mine cuts, waste rock, and mine tailings. Mining waste has been discharged at the Mine since mining activities began in the 1870s. Jose M. Lucientes, Jr., has been an owner of the Elgin Mine property since the early 1960s.

The Central Valley Water Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (Basin Plan) has identified that heavy metals such as copper, zinc, mercury, lead, and cadmium, can impair beneficial uses of surface streams. Discharges from abandoned or inactive mines, particularly those in the Sacramento River watershed, severely impair local receiving waters because they discharge these pollutants to the waterways.

In response to these discharges, the Central Valley Water Board adopted Resolution R5-2005-0146, which amended the Basin Plan and implements Section 303 of the Federal Water Pollution Control Act. This Resolution directs the Board to issue Cleanup and Abatement Orders (CAOs), or to take other appropriate actions designed to control discharges from the inactive mines in the Cache Creek Watershed. The Elgin Mine is one of the inactive mines identified in Table IV-6.4 of the Basin Plan.

The Board's Prosecution Team contends that wastes related to historic mining activities erode or threaten to erode into a tributary of Sulphur Creek (a tributary of Cache Creek) during storm runoff conditions, and thereby contribute inorganic mercury and potentially other metals to surface waters. The proposed CAO directs those who have a legal responsibility for the mining wastes to, among other things, characterize waste material, survey water supply wells, and conduct remediation activities. The proposed CAO also requires responsible parties to develop and submit plans for Executive Officer approval, including a plan to reduce anthropogenic mercury loading by 95% of current loads, consistent with State Water Resources Control Board Resolution 92-49. The goal of the cleanup is to restore the mines to pre-mining conditions with respect to the discharge of mercury.

ISSUES: The Discharger, Jose M. Lucientes, Jr., did not provide any comments on the draft CAO. Homestake Mining Company provided numerous comments and as a result of their comments, Homestake Mining Company, Bonneville Industries, Inc., Asera West Corporation, Filiatra, Inc., and Terhel Farms, Inc have been removed from the CAO.

RECOMMENDATION: The Central Valley Water Board's Prosecution team recommends that the Central Valley Water Board issue the Cleanup and Abatement Order as

proposed.

Mgmt. Review	_____
Legal Review	<u>PEP</u>

13 August 2009  
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